



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 4742-00
23 January 2001

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, filed enclosure (1) with this Board requesting an upgrade in the characterization of his service.

2. The Board, consisting of Messrs. Beckett, Cooper, and Mackey, reviewed Petitioner's allegations of error and injustice on 17 January 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 1 May 1963 for four years at the age of 17. At the time of enlistment, Petitioner had completed five years of formal education and had a general classification test (GCT) score of 47, which placed him in Mental Group III.

d. Petitioner served for nearly three years without incident. However, on 12 April 1966 he received nonjudicial punishment (NJP) for absence from his appointed place of duty and was awarded correctional custody for 30 days. The punishment imposed was suspended for six months. Approximately a month later, on 14 May 1966, the suspended punishment was vacated due to unspecified misconduct.

e. On 9 March 1967, at the expiration of his enlistment, Petitioner was released from active duty under honorable conditions. At the time of his discharge Petitioner's conduct average of 2.96 was below the average mark of 3.0 required for a fully honorable characterization of service. On 30 May 1969, upon completion of his military obligation, he received a general discharge.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

The Board initially notes the nature of Petitioner's misconduct and does not condone his infractions. However, the Board also notes that his offenses were relatively fairly minor. The Board's finding is based on Petitioner's length of service and the fact that his conduct average was barely substandard. The Board also considered Petitioner's youth and immaturity and limited education. The Board notes that in spite of his youth and immaturity and limited education, Petitioner served until the expiration of his enlistment and his conduct average was only .04 under the requirement for a fully honorable characterization of service. Based on the foregoing, the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been under honorable conditions, and recharacterization to fully honorable is appropriate. Accordingly, the Board concludes that relief in the form of recharacterization of Petitioner's discharge is appropriate.

In view of the foregoing, the majority finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was honorably released from active duty on 9 March 1967 and honorably discharged on 30 May 1969, vice the release and discharge actually issued on those dates.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

c. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 10 July 2000.

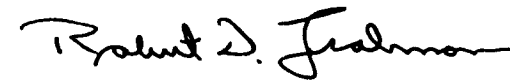
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER
Executive Director